

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE**

CAT Scale Company,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 4:04cv53AS
)	
Truck Stop Scale Company d/b/a)	
Transcontinental Weighing Services)	
and JBS, Inc. d/b/a Grandma's Travel)	
Center,)	
)	
Defendants.)	

MEMORANDUM, ORDER AND OPINION

The Court held oral arguments in this matter on September 18, 2006 in Lafayette, Indiana. At that time, counsel for the Plaintiff indicated that the sign in question at the Rensselaer, Indiana location had been removed, and therefore the Plaintiff obtained the relief it was seeking as to that Indiana location. Therefore, Defendants' Motion for Summary Judgment (Docket No. 73) is **DENIED** as moot, with leave to refile at a later date if that becomes necessary. Consequently, Plaintiff's Motion to Strike (Docket No. 77) is also **DENIED** as moot.

Additionally, Plaintiff filed a Motion for Default Judgment and Notice of Defendants' Non-Compliance with Court Order (Docket No. 68). That motion dealt with the Defendants' failure to timely pay court ordered attorneys fees. The sanctions related to that failure were paid by the Defendants on April 17, 2006 in open court proceedings in Lafayette, Indiana. Therefore, the Defendant is correct in stating that there is no longer

any basis for an order of Default. That motion is **DENIED**.

SO ORDERED.

Date: September 19, 2006

S/ ALLEN SHARP

ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT